



ITW

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

**Rolf Gericke et al.**

Examiner: POWERS, Fiona

Serial No.: 10/574,781

Group Art Unit: **1626**

Filed: APRIL 6, 2006

Confirmation Number: **2544**

Title: **ACYLHYDRAZONE DERIVATIVES AND THE USE THEREOF IN THE INHIBITION, REGULATION AND/OR MODULATION OF KINASE SIGNAL TRANSDUCTION**

**RESPONSE TO RESTRICTION REQUIREMENT**

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated July 18, 2007, Applicants hereby elect, with traverse, Group I (claims 1–6, 15, and 16) drawn to a compound of Formula I, composition(s) and/or kit(s) thereof.

In response to the Election of Species Requirement, Applicants hereby elect, with traverse, the compound N-(4-hydroxy-2-methoxybenzylidene)-(3-hydroxyphenyl)-acetohydrazide, as recited in Example 1 at page 26 of the originally filed specification. See also, the subject matter of Applicants' instant claim 5.

At page 2 of the open Office Action, the Examiner alleges that the inventions listed in Groups I and II do not relate to a single general inventive concept because they allegedly lack the same or corresponding technical feature. Applicants respectfully disagree with this contention. All the claims in the application involve related subject matter, for example, a compound of Formula I, composition(s) and kit(s) thereof, and use of such compounds, compositions and/or kits. Moreover, Applicants' disclosed species clearly possess unity of invention under PCT Rule 13.1. For example, see the disclosure contained in Examples 1 and 2 of the specification, as originally filed.

It is respectfully submitted that, in view of the totality of the disclosure contained

in the instant specification, Applicants' claims relate to a single inventive concept. Moreover, the Office Action has not demonstrated that an undue searching burden would be required to examine all groups and certainly not to examine at least more than one of the groups. "If search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct invention." (Emphasis added.) See, M.P.E.P. §803. Accordingly, the Requirement for Restriction should be withdrawn.

Should the Restriction Requirement still be maintained, Applicants will seek reentry of any withdrawn claims once allowable subject matter has been determined.

No fees are believed to be due with this response; however, the Commissioner is hereby authorized to charge any fees associated with this response to Deposit Account No. 13-3402.

Respectfully submitted,



---

Anthony J. Zelano, Reg. No. 27,969  
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza 1, Suite 1400  
2200 Clarendon Boulevard  
Arlington, Virginia 22201  
Telephone: (703) 243-6333  
Facsimile: (703) 243-6410

Attorney Docket No.: **MERCK-3158**

Date: August 3, 2007.